ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT AMENDING DESIGN REVIEW, PARKING, AND OTHER REGULATIONS FOR RESIDENTIAL DEVELOPMENT IN THE BELMONT ZONING ORDINANCE (ORDINANCE NO. 360), ADOPTING RESIDENTIAL DESIGN CRITERIA, MODIFYING RESIDENTIAL DESIGN GUIDELINES, AND AMENDING THE BELMONT CITY CODE REGARDING OFF-STREET PARKING

THE CITY COUNCIL OF THE CITY OF BELMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. BCC SECTION 7-15 AMENDED

Belmont City Code Chapter 7, Article III, Section 7-15 is amended to read:

Sec. 7-15 Parking.

- (a) Every set of plans submitted for a building permit shall show parking spaces complying with the requirements of the zoning ordinance in effect at the time such plans are submitted.
- (b) The building official may not issue a certification of occupancy until the required parking spaces have been constructed.

SECTION 2. BCC SECTION 7-16 AMENDED

Belmont City Code Chapter 7, Article III, Section 7-16 is amended to read:

Sec. 7-16. Driveway or vehicle ramp.

- (a) Every parking space shall have access provided by means of a driveway or vehicle ramp complying with the zoning ordinance and city specifications. The portion of any driveway or vehicle ramp on city rights-of-way shall not exceed a grade of one-fourth inch to one foot unless determined otherwise by the city engineer or his designated representative.
 - (b) Driveways or vehicle ramps on private property shall conform to the following:
 - (1) Shall have a hard paved surface of concrete cement or asphaltic concrete.
 - (2) Shall have a grade up or down not exceeding 18%, except that the building official may authorize a 20% grade where, in the discretion of the building official, topography makes 18% impracticable.
 - (3) A plan and profile of the driveway shall be submitted to the building department for approval, and inspection is required before paving.

SECTION 3. BZO SECTION 2.16 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 2.16 is amended to read:

2.16 BEDROOM - Any room at least seventy square feet or more in area in a residential structure which is not a kitchen, dining room, living room, or bathroom. Within such residential structure, any second living or dining room, or any den, study, or other similar room which is capable of being used for sleeping quarters that contains a closet, or to which a closet could be added, may also be considered a bedroom. Exceptions include but are not limited to rooms that are clearly incidental to the other living spaces of the home, such as laundry rooms, rooms that are left open to adjacent living areas of the home, such as alcoves and breakfast nooks, and rooms accessed solely through bedrooms of the home, such as walk-in closets.

SECTION 4. BZO SECTION 2.28.1 ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding Section 2.28.1 to read:

2.28.1 BORDERING PROPERTIES – Bordering properties mean lots that abut a project site, and lots that are separated from a project site only by a public right-of-way or access easement.

SECTION 5. BZO SECTION 2.48.1 ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding a new Section 2.48.1 to read:

- 2.48.1 CUMULATIVE GROSS FLOOR AREA ADDITION Cumulative Gross Floor Area means the total gross floor area of additions:
 - (a) Proposed by any pending development application;
 - (b) Approved in any building permit not yet finalized; and,
 - (c) Constructed under any building permit finalized within two years from the application date for any pending development application.

SECTION 6. BZO SECTION 2.48.2 ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding a new Section 2.48.2 to read:

2.48.2 DAYLIGHT PLANE - A series of planes defining a three-dimensional volume of space in which a building must be constructed. A daylight plane may be more restrictive than the height limit or the minimum setback applicable at such point on the site.

SECTION 7. BZO FORMER SECTION 2.48.1 RENUMBERED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by renumbering former Section 2.48.1 to 2.48.3 to read:

2.48.3 DENSITY TRANSFER – [text unchanged].

SECTION 8. BZO SECTION 2.57.1 ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding

Section 2.57.1 to read:

2.57.1 ENTRY LEVEL - The lowest entry to the habitable portions of the home, not including areas dedicated solely to crawl space, unfinished storage and garage.

SECTION 9. BZO SECTION 2.60 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 2.60 is amended to read:

2.60 FLOOR AREA, GROSS - The sum of all finished and un-finished framed-in floor surfaces with an interior vertical height of six and one-half feet or more from floor to ceiling, capable of accommodating living space, measured from the exterior walls plus garages, utility rooms, and enclosed accessory structures. Covered decks, porches, patios, carports, and other covered areas which are not enclosed on all sides shall not be counted as dwelling floor area.

SECTION 10. BZO SECTION 2.78 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 2.78 is amended to read:

2.78 LOT DEPTH – The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

SECTION 11. BZO SECTION 2.78.1 ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding section 2.78.1 to read:

2.78.1 LOT DEPTH, AVERAGE – The sum of the length of the two sidelines of the lot divided by two.

SECTION 12. BZO SECTION 2.85 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 2.85 is amended to read:

2.85 LOT WIDTH (AVERAGE) - The sum of the length of the front and rear lot line divided by two. In the case of irregularly-shaped lots having four or more sides, average lot width shall be the sum of the length of two lines drawn perpendicular to one side line at the widest and narrowest portions of the lot, divided by two.

SECTION 13. BZO SECTION 2.97.1 ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding Section 2.97.1 to read:

2.97.1 PRESCRIBED ARTICULATION – Specified measures which are required to interrupt the straight line of a building wall in order to reduce the perception of building bulk, which include but are not limited to projecting or recessing portions of exterior building walls, and incorporation of architectural features such as chimneys or bay windows.

SECTION 14. BZO SECTION 2.99.1 ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding section 2.99.1 to read:

2.99.1 PUBLIC VIEWS – Public views means views from public vantage points to prominent natural features or landmarks.

SECTION 15. BZO SECTION 2.100.1 ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding section 2.100.1 to read:

2.100.1 RESIDENTIAL DESIGN CRITERIA (RDC) - A companion document to the Zoning Ordinance, which provides additional, objective, measurable, or quantifiable review criteria required for new construction. The RDC includes relevant criteria for the regulation of building bulk (such as second story step backs, prescribed articulation, and daylight planes), which are specified based upon the scope of the project, site conditions, and the architectural style of the home.

SECTION 16. BZO SECTION 2.100a RENUMBERED AND AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 2.100a is renumbered 2.100.2 and amended to read:

2.100.2 RESIDENTIAL DESIGN GUIDELINES (RDG) – a companion document to the Zoning Ordinance, which provides basic design concepts and elements of good design required for all new residential structures and additions. The RDG includes relevant examples of designs that generally conform to the standards for Single Family Design Review application approval.

SECTION 17. BZO SECTION 2.104a RENUMBERED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 2.104a is renumbered 2.104.1 to read:

2.104.1 SANITORIUM – [text unchanged]

SECTION 18. BZO SECTION 2.104b RENUMBERED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 2.104b is renumbered 2.104.2 to read:

2.104.2 SECONDARY DWELLING UNIT - - [text unchanged]

SECTION 19. BZO SECTION 2.104.3 ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding Section 2.104.3 to read:

2.104.3 SECOND STORY STEPBACK – An identified setback for second story exterior building walls as measured from the lower story exterior building walls.

SECTION 20. BZO SECTION 4.2.3 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 4.2.3 is amended to read:

- 4.2.3 SITE AREA, DIMENSION AND DENSITY LIMITATIONS.
 - (a) (c) [text unchanged]
 - (d) FLOOR AREA: The permitted Floor Area (FA) of buildings is the greater of 1,200 square feet or the product of multiplying net lot area by the Floor Area Ratio corresponding to the slope of the lot as shown in the following chart:

[text of chart unchanged]

The maximum permitted gross floor area in all R-1 districts is 5,000 square feet.

(e) - (f) [text unchanged]

SECTION 21. BZO SECTION 4.2.4 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 4.2.4 is amended to read:

4.2.4 FRONT YARD - Except as provided in Section 9.7.4, the minimum depth of the front yard is as follows: R-1E and R-1H Districts shall be 25 feet; Lots in the R-1A, R-1B and R-1C Districts with frontage on a 50-foot wide public right-of-way shall be 15 feet; lots in the R-1A, R-1B, and R-1C Districts with frontage on a 40-foot wide public right-of-way shall be 20 feet; however, no building occupying property fronting on a private road or easement shall be less than 25 feet from the closest line of such private road or easement. For garages with entrances that are perpendicular to the street, the minimum on-site driveway length from property line to the face of the garage shall be 18 feet. The 18 feet shall be provided entirely within the subject property, except as provided by Section 8.2.6.

SECTION 22. BZO SECTION 4.2.9 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 4.2.9 is amended to read:

4.2.9 FENCES, WALLS, LATTICE SCREENS AND HEDGES - Fences, walls, lattice screens and hedges must comply with Section 9.7.1(f).

SECTION 23. BZO SECTION 4.2.11 ADDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") is amended by adding Section 4.2.11 to read:

- 4.2.11 NEW CONSTRUCTION New homes and additions must comply with the Residential Design Criteria if the new construction:
 - (a) ground floor plate height exceeds 12 feet and roof height exceeds 18 feet (as measured from finished grade), or

(b) creates or expands an upper floor.

SECTION 24. BZO SECTION 8.1.4 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 8.1.4 is amended to read:

8.1.4 All new buildings and new dwelling units within existing buildings must have the vehicle parking spaces required by Section 8.4.

SECTION 25. BZO SECTION 8.2.2 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 8.2.2 is amended to read:

8.2.2 CONTROL OF OFF-STREET PARKING FACILITIES - Required parking facilities may be provided on land other than the site on which the building or use served by such facilities is located, if the site providing the off-site parking facilities is encumbered by a recorded covenant requiring that the parking facilities be provided for the planned building or use for the life of the building or use.

SECTION 26. BZO SECTION 8.2.6 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 8.2.6 is amended to read:

- 8.2.6 LOCATION OF REQUIRED PARKING FACILITIES The location of off-street parking and garage spaces in relation to the use served shall be as follows. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.
 - (a) For Uses in a Single (R-1) or Duplex Residential (R-2) District the following standards apply.
 - (1) Parking and garage space accessory to dwellings shall be located on the same site as the use served.
 - (2) Uncovered parking spaces may extend into the unused portion of the right-of-way up to the outside edge of street improvements, such as sidewalk, provided they would not obstruct any existing or possible future street improvements that are necessary for public use (i.e., future sidewalk, curb or gutter installation, utility needs, etc.), as determined by the Public Works Director.
 - (3) No parking or paving outside of the required paved driveway and parking surface area shall be permitted between the front of the dwelling and the front property line.
 - (4) A required driveway area for a single or duplex residential dwelling, provided minimum dimensions as required by Section 8.3.1(a) are met, may be used to satisfy the off-street uncovered parking requirement for such use(s).

- (5) A paved walkway to the front building entrance, of no more than 48 inches in width, shall be permitted within the area between the front of the dwelling and the front property line.
- (6) Any variance from these standards/requirements is subject to the procedure and findings of Section 14 (Variances) and findings of Section 8.1.3(c).
- (7) Spaces accessory to uses other than dwellings in Residential Districts may be located on a site adjacent to, or directly across a street or alley from the site occupied by the use served; but in no case at a distance in excess of 300 feet from such use.
- (b) [text unchanged]

SECTION 27. BZO SECTION 8.3.1 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 8.3.1 is amended to read:

8.3.1 SIZES AND TYPES – [text unchanged]

- (a) [text unchanged]
- (b) Accessible Parking Space Accessible parking spaces must be provided in all parking facilities, other than single family residential, unless specifically exempted by the Building Official/Zoning Administrator, in accordance with the following table:

[chart and remaining text unchanged]

- (c) Backup Distance Where one or two parking spaces are provided for a single-family residence and the vehicles will back directly onto a street, the minimum on-site driveway length shall be 18 feet totally within private property, except as provided in Section 8.2.6.
- (d) [text unchanged]
- (e) Minimum Single Family Residential Parking Dimensions –The minimum dimensions for garages, carports, and uncovered parking spaces serving a single family residence is provided in Table 8.3.1(e). Garage and carport dimensions are interior, measured from the inside of the post for carports and the interior walls for garages. Parking may be arranged in a side-by-side or tandem configuration.

Table 8.3.1(e) –Parking Dimension Requirements

Number of Vehicles	Orientation	New Garage	Existing Garage New or Existing Carport Uncovered Parking
1	N/A	10' x 20'	8.5' x 18'
2	Side-by- side	20' x 20'	17' x 18'

2 Tandem	10' x 40'	8.5' x 36'
----------	-----------	------------

SECTION 28. BZO SECTION 8.4.1 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 8.4.1 is amended to read:

8.4.1 RESIDENTIAL USES.

- (a) Single Family Dwellings. The following standards apply to single family dwellings.
 - (1) New Homes. New homes must have a total of 4 parking spaces, 2 of which must be in a garage.
 - (2) Existing Homes.
 - (A) Existing homes with an addition that expands the bedroom count of the principal unit, or adds a second unit must have the parking spaces specified in Table 8.4.1(a)(2).
 - (B) Existing homes with one or more garage spaces may not reduce the number of garage spaces to fewer than 2.
 - (C) Existing homes without a covered space may use a carport for required covered parking.

Table 8.4.1(a)(2) – Parking Space Requirements for Additions

Home with addition	Required Parking # = total required spaces (#) = required covered spaces
Five Bedrooms or more	3(1)
Four Bedrooms	3(1)
Three Bedrooms	2(1)
2 nd unit	+1 up to 4

(b) - (e) [text unchanged]

SECTION 29. BZO SECTION 9.4 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 9.4 is amended to read:

9.4 ACCESS TO STREETS - No building shall be constructed or erected upon any lot unless such lot abuts upon a street, or upon a lot having a permanent access easement to a street.
 No lot shall be deemed to abut upon a street unless it has a frontage thereon of not less than 30 feet and a lot width of not less than 30 feet for a depth of 100 feet from the front

lot line.

SECTION 30. BZO SECTION 9.6.3 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 9.6.3 is amended to read:

9.6.3 ALTERATIONS AND ADDITIONS TO NON-CONFORMING STRUCTURES –

- (a) No nonconforming structure shall be moved, altered, enlarged or reconstructed so as to increase the discrepancy between existing conditions and the standards of coverage, front yard, side yards, rear yard, height of structures or distances between structures prescribed in the regulations for the district in which the structure is located.
- (b) For purposes of this section, additions to single family homes in a single family residential District shall comply with applicable current setback and height requirements, except that building walls may extend along a legal non-conforming side yard setback line, if the wall does not reduce the existing setback and maintains no less than a five-foot side yard setback for interior lot lines and a ten-foot side yard setback for exterior lot lines (street side yards).

SECTION 31. BZO SECTION 9.7.1 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 9.7.1 is amended to read:

- 9.7.1 PERMITTED IN ANY YARD The following features are permitted in any yard.
 - (a) [text unchanged]
 - (b) Unroofed exterior stairs, landings and decks of open design which project 30 inches or less in height from finished grade.
 - (c) Unroofed exterior stairs, landings and decks of open design which project 30 inches or more in height from finished grade, which
 - (1) project no more than 6 feet into the required front or rear yard or
 - (2) project no more than 3 feet into the required side yard and are no greater than the minimum size required by the California Building Code, and
 - (3) do not extend above the entry level of the home, except for the railing.
 - (d) (f) [text unchanged]
 - (g) Driveway bridges including all structural support components, walls, piers, etc., which are required to provide vehicular access to on-site parking are permitted within the required front and side yards.

SECTION 32. BZO SECTION 9.7.4 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 9.7.4 is amended to

read:

9.7.4 FRONT SETBACK - EXCEPTION - In any R District the front yard setback may not be smaller than the building setback line shown on the approved subdivision map for the lot.

SECTION 33. BZO SECTION 13A.1 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 13A.1 is amended to read:

13A.1 PURPOSE – The regulations in Section 13A establish standards that allow residential property owners to develop their property while ensuring that the development is in harmony with and preserves the City's tranquil, safe and desirable neighborhoods. These regulations, as augmented by the Residential Design Guidelines, together with Section 4 are intended to provide a predictable and consistent framework for review of residential projects.

SECTION 34. BZO SECTION 13A.2 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 13A.2 is amended to read:

13A.2 DESIGN REVIEW REQUIREMENT - Except as provided in Section 24, no person may construct on property zoned R-1 or R-2 a new residential building that requires a building permit or alter the square footage or floor plan of an existing residential building without first receiving design review approval in accordance with Section 13A.

SECTION 35. BZO SECTION 13A.3 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 13A.3 is amended to read:

13A.3 APPLICATION

- (a) An applicant for Single Family and Duplex Residential Design Review must submit an application to the Director of Community Development on a form prescribed by the Director. The application must include the following data:
 - (1) (6) [text unchanged]
- (b) A mandatory pre-application meeting with planning staff is required for projects requiring Zoning Administrator or Planning Commission approval.
- (c) At the time of filing the application, an applicant must pay the application fee required by the Master Fee Schedule. The Community Development Director may not process an application without payment of the application fee.

SECTION 36. BZO SECTION 13A.4 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 13A.4 is amended to read:

13A.4 REVIEW PROCEDURE

(a) The reviewing authority for projects within the scope of Section 13A.2 is specified in Table 13A.4(a).

Table 13A.4(a) - Residential Design Review (RDR) Authority Thresholds.

Tier	Project Characteristics	Reviewing Authority
1	 Ground floor additions up to 399 sf. cgfa, with top of the addition plate height 12 feet or less, and top of the new roof 18 feet or less, as measured from finished grade. Enclosure of carports & additions of any size that do not increase the foot print of the home (i.e., underfloor and attic areas that are made habitable) 	Community Development Department (CDD)
2	 Ground floor additions not consistent with Tier I Ground floor additions from 400 sf to 899 sf. cgfa Upper floor additions up to 399 sf. cgfa Combination of upper and lower floor addition up to 899 sf. cgfa. 	Zoning Administrator (ZA)
3	 New Single Family Homes Grading more than 500 cubic yards Disturbance of 6,000 sf. or more of site area Upper floor additions of 400 sf. cgfa. or more Combination of upper and lower floor additions of 900 sf. cgfa. or more SFDR with other PC level entitlements 	Planning Commission (PC)

- (b) The addition square footages in Table 13A.4(a) are cumulative gross floor area (cgfa) as defined in Section 2.48.1
- (c) After determining that an application is complete, the reviewing authority must timely consider whether the project meets the standards for approval in Section 13A.5.
- (d) The outreach, noticing, and hearing requirements for residential design review applications are set forth in table 13A.4(d):

Table 13A.4(d) –RDR Review Procedure

Tier	Neighborhood Outreach	Project Notice	Public Hearing
1	Not required	Not required	Not required
2	All projects - required	Notice to Bordering Property Owners	If requested
3	All projects - required	Public hearing notice per Section 11.4.1	Required

(e) Neighborhood Outreach. When required, applicants must complete the

neighborhood outreach process established by the Community Development Director for bordering property owners as defined by Section 2.28.1.

- (f) Tier 2 Projects. The following procedures apply to Tier 2 projects.
 - (1) Project Notice. The Zoning Administrator must send notice of intent to take action to bordering property owners. The notice must include a general description of the project and a statement that the Zoning Administrator will take action on the project without a public hearing unless a hearing is requested in writing by a bordering property owner within 10 days of the project notice date.
 - (2) Project Determination. If the Zoning Administrator does not receive a timely written hearing request, he or she must proceed to make a project determination under Section 13A.5.
- (g) Public Hearings. The Community Development Director must provide notice of Zoning Administrator and Planning Commission public hearings in the manner required by Section 11.4.1.
- (h) Appeals.
 - (1) Except as provided in subsection 13A.4(h), the provisions of Section 15 govern appeals of residential design review project determinations.
 - (2) For Tier 1 projects, the applicant may appeal a project determination to the Planning Commission. A decision by the Planning Commission on a Tier 1 project is final unless appealed by the applicant.
 - (3) For Tier 2 projects, the applicant and Bordering Property Owners may appeal a project determination to the Planning Commission. The Planning Commission may either affirm the underlying determination or forward the appeal to the City Council with a recommendation to approve, approve with conditions, or deny the project.
 - (4) All appeals must be in writing, accompanied by the required appeal fee, and delivered to the Community Development Department within 10 days of the project determination.
- (i) The City Council finds that ordinarily projects in Tier 1 of Table 13A.4(a) do not have the potential to substantially or significantly adversely affect the property rights of other property owners, and that projects in Tier 2 of Table 13A.4(a) do not have the potential to substantially or significantly adversely affect the property rights of other property owner beyond bordering property owners. The City Manager, in consultation with the City Attorney, may expand the scope of notice and opportunity to appeal for Tier 1 and 2 projects if necessary due to facts peculiar to the proposed project to provide due process.

SECTION 37. BZO SECTION 13A.5 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 13A.5 is amended to read:

13A.5 STANDARDS FOR APPROVAL. The reviewing authority may approve, conditionally

approve, or deny an application for residential design review. The reviewing body may approve or conditionally approve a residential design review if it makes the following findings:

- (a) The buildings and structures shown on the site plan will be:
 - (1) Designed to be compatible with any existing development on the site;
 - (2) Located and designed to minimize disruptions of existing public views, and to protect the profile of prominent ridgelines.
- (b) The overall site and building plans will achieve an acceptable balance of the following factors:
 - (1) building bulk,
 - (2) grading, including
 - (A) disturbed surface area, and
 - (B) total cubic yards, cut and fill.
 - (3) The aesthetic impacts of hardscape as viewed from a public vantage point.
- (c) All proposed accessory and support features, including driveway and parking surfaces, underfloor areas, retaining walls, utility services and other accessory structures will be integrated into the overall project design.
- (d) The proposed landscape plan will incorporate:
 - (1) Native plants appropriate to the site's environmental setting and microclimate, and
 - (2) Appropriate landscape screening of proposed accessory and support structures.
- (e) The project will be in substantial compliance with the Residential Design Guidelines and Residential Design Criteria as applicable.
- (f) City staff and consultants have provided technical review and conditions of approval have been adopted, as applicable, regarding project-related grading, drainage, storm-water runoff, vehicular and pedestrian access, site stability, structural encroachments, and construction impacts.

SECTION 38. BZO SECTION 13A.6 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 13A.6 is amended to read:

13A.6 Reserved.

SECTION 39. BZO SECTION 13A.7 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 13A.7 is amended to read:

13A.7 LAPSE OF APPROVAL AND EXTENSION OF TIME – A residential design review approval expires two years following the date on which it became effective unless, before expiration a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site, or the Building Official issues a certificate of occupancy for the site subject to the design review approval. Extension of time is governed by Section 10.5.

SECTION 40. BZO SECTION 24.1 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 24.1 is amended to read:

Authority and Purpose. This section regulates the establishment of secondary dwelling units in all residential zoning districts in accordance with Government Code Section 65852.2. The purpose of permitting secondary units is to promote more efficient use of the City's existing housing stock and to help meet the need for small rental units while preserving the character of the City.

SECTION 41. BZO SECTION 24.2 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 24.2 is amended to read:

- 24.2 Location. Secondary dwelling units are allowed in conjunction with a single family dwelling located in the following residential zoning districts:
 - (a) R-1, R-2, R-3, and R-4 Districts.
 - (b) HRO Hillside Residential & Open Space districts upon approval of a Conditional Use Permit by the Planning Commission.

SECTION 42. BZO SECTION 24.3 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 24.3 is amended to read:

- 24.3 Property Development Standards. A secondary dwelling unit must meet the following standards:
 - (a) Zoning Requirements. The secondary dwelling unit must meet all site area, density, height and yard area standards of the R-1 zoning district.
 - (b) Lot Size. A secondary dwelling unit is allowed on lots of 5,000 square feet or more. A secondary dwelling unit may be permitted on a lot of less than 5,000 square feet with a Conditional Use Permit.
 - (c) Minimum Unit Size. The minimum size for a second unit is 275 square feet.
 - (d) Maximum Unit Size With Building Permit. The maximum allowed second unit size with approval of a building permit (ministerial) is as follows:

- (1) A detached unit not greater than 399 square feet.
- (2) A unit constructed within the building envelope of the existing main dwelling not greater than 640 square feet.
- (3) An attached unit either combining existing floor area with new floor area or new floor not greater than 640 square feet (maximum of 399 square feet outside of building envelope).
- (e) Maximum Allowable Unit Size with Single Family Design Review. Second units larger than allowed with a building permit under subsection (d) are permitted up to 1,000 square feet or maximum of 40% of the total floor area of the principal dwelling, whichever is smaller, with single family design review approval.
- (f) (h) [Text unchanged]
- (i) Off-Street Parking. The property must meet the parking space and standards for secondary dwelling units in Section 8. Spaces provided shall meet the size requirements in Section 8.3.1 and must be paved and located wholly upon the property in fee, except as provided in Section 8.2.6. Parking spaces may be permitted in tandem in the driveway and within the garage or carport.
- (j) (k) [text unchanged]

SECTION 43. BZO SECTION 24.4 AMENDED

City of Belmont Ordinance No. 360 ("Belmont Zoning Ordinance") Section 24.4 is amended to read:

- 24.4 Additional Development Standards.
 - (a) Secondary dwelling units are allowed only on parcels on which only one dwelling unit is located.
 - (b) (h) [text unchanged]

SECTION 44. RESIDENTIAL DESIGN GUIDELINES

The Residential Design Guidelines attached to this ordinance as Attachment 1 are adopted as regulations to be applied in conjunction with the Single Family Design Review process set forth in Section 13A of the Belmont Zoning Ordinance (Ordinance 360 as amended). These regulations replace the Residential Design Guidelines adopted by Ordinance 1063.

SECTION 45. RESIDENTIAL DESIGN CRITERIA

The Residential Design Criteria contained in Attachment 2 are adopted as regulations to be applied in conjunction with the Single Family Design Review process set forth in Section 13A of the Belmont Zoning Ordinance (Ordinance 360 as amended).

SECTION 46. FINDINGS

(a) The amendments to the Belmont Zoning Ordinance adopted herein are required to achieve the objectives of the Zoning Plan and the General Plan for the City, and in particular

- (1) to implement General Plan Housing Element Program 2.10, Action 1;
- (2) The amendments to the regulations governing second units are required to implement General Plan Housing Element Program 2.6, Action 1.
- (3) The amendments to second unit regulations governing parking and requiring a conditional use permit based on lot size are necessary to implement General Plan Housing Element Program 2.6, Action 3.
- (b) The amendments support the protection and promotion of the comfort, convenience, and general welfare of the community, and fulfill the General Community Goals and Policies of the General Plan

SECTION 47. ORDINACE 2015-1087 REPEALED

Ordinance 2015-1087 is repealed.

SECTION 48. EFFECTIVE DATE.

This Ordinance takes effect 30 days after its adoption.

SECTION 49. PUBLICATION AND POSTING

The City Clerk has caused to be published a summary of this ordinance, prepared by the City Attorney under Government Code Section 36933, subdivision (c), once, in a newspaper of general circulation printed and published in San Mateo County and circulated in the City of Belmont, at least five days before the date of adoption. A certified copy of the full text of the ordinance was posted in the office of the City Clerk at least five days before this date of adoption. Within 15 days after adoption of this ordinance, the City Clerk shall cause the summary of this ordinance to be published again with the names of those City Council members voting for and against the ordinance; and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of this adopted ordinance with the names of those City Council members voting for and against the ordinance.

* * *

	alifornia introduced the foregoing ordinance, on Jul
vote:	gular meeting held on, 2015 by the following
Ayes:	
Noes:	
Absent:	
Abstain:	
ATTEST:	
City Clerk	Mayor
	APPROVED AS TO FORM:
	City Attorney